

REMARKS

Claims 1 - 15, 18, 19 and 20 are in this application and are presented for consideration. Claims 1, 8 and 15 have been amended. The claims have been amended to place the application in better form.

The office action states that newly submitted claims 19 and 20 are directed to an invention that is independent or distinct from the invention originally claimed, and are therefore withdrawn. Applicant finds no support for this statement in US patent regulations, particularly 37 CFR 1.142. Applicant has reviewed 37 CFR section 1.142, and finds this section to allow restriction if inventions are independent "and" distinct. Therefore 37 CFR section 1.142 does not support the statements in the office action that claims can be withdrawn if they are independent "or" distinct.

Applicant further notes that claims 19 and 20 are "dependent" from claims 1 and 8. Therefore the inventions of claims 19 and 20 by definition include all the features of their respective independent claims. Claims 19 and 20 therefore cannot be independent from the invention as originally claimed. Claims 19 and 20 therefore fail the "independent" requirement of 37 CFR section 1.142. Since 37 CFR 1.142 requires both distinction and independence before a restriction, claims 19 and 20 cannot be restricted under 37 CFR 1.142.

Claim 21 has been rejected as being anticipated by Rankin '452. Claim 21 sets forth a hose system with a permeable tube section which is formed in a horizontally extending semi circle. The rejection states that Rankin '452 has a permeable tube section 106 which is formed in a horizontally extending semi circle through fitting 104, in particular the rejection refers to

figure 2. Applicant has reviewed Rankin '452, and particular elements 106, 104 in figure 2. Applicant does not find elements 106 and 104 to be horizontally extending semi circle. It is applicant's understanding that a person of ordinary skill in the art would interpret figure 2 of Rankin '452 as showing a vertical side view. This is consistent with figure 1 which appears to also be a vertical side view and shows a person standing.

Therefore since element 106 of Rankin '452 extends in the same direction as the standing position of a person, element 106 would also have to be vertical. A horizontally extending semi circle is known in the art to be a semi circle which lies in a horizontal plane. Any semi circle formed by elements 106 and 104 of Rankin '452 would therefore lie in a plane extending in the vertical direction of the person using Rankin '452. Therefore figure 2 of Rankin '452 does not show the permeable tube section forming a semi circle in a horizontally extending plane.

Applicant further finds no suggestion or motivation in Rankin '452 to move elements 106 and 104 to form a semi circle which lies in a horizontal plane. Therefore Rankin '452 does not anticipate all the features of claim 21, and there is no suggestion or motivation in Rankin '452 which would cause claim 21 to be obvious. Claim 21 and therefore defines over Rankin '452. Claim 21 has not been changed by this amendment, and therefore claim 21 does not raise any new issues.

Claim 15 has been amended to include the features of claim 16. Claim 16 previously depended from claim 15. Therefore the amendment to claim 15 does not raise new issues.

Claims 15 and 16 have been rejected as being anticipated by Rankin '452. Claim 15 now

sets forth the method step of delivering breathing air from the permeable tubular section to breathing organs of the user of the safety clothing. Element 106 of Rankin '452 is equated with the permeable tubular section of the present invention. Applicant has reviewed Rankin '452, and finds no teaching nor suggestion of any step of delivering air from element 106 to breathing organs of a user. Instead applicant only finds Rankin '452 to disclose delivering air from element 106 to portions of the user which are separate from the breathing organs. Rankin '452 specifically teaches separate elements 120, 128, 126 and 122 for supplying air for breathing, column 5 lines 11 through 18. Therefore is quite clear that Rankin '452 does not disclose the step of delivering breathing air from element 106 to breathing organs of the user of the safety clothing. Applicant also finds no teaching nor suggestion in the prior art to modify Rankin '452 to deliver breathing air from element 106 to breathing organs of a user. Therefore Rankin '452 cannot anticipate, or cause to be obvious, claim 15.

The rejection states that Rankin '452 continues to disclose delivering breathing air from a permeable tube section to breathing organs such as the nose and mouth of the user. Applicant must respectfully disagree since the face mask 122 of Rankin '452 would clearly prevent such a step of delivering of air from tube 106 to a nose and mouth of a user.

It is quite clear that the invention of present claim 15 and Rankin '452 have completely different methods of delivering breathing air to a user. Rankin '452 delivers the breathing air directly to a mask which is separate from the safety clothing. Also any air delivered to the safety clothing in Rankin '452 is not delivered for the user of the clothing to breathe. Rankin '452 instead teaches structure to block this. The present invention on the other hand,

specifically performs a method where air from inside the safety clothing is delivered to the user for breathing purposes. Present claim 15 clearly makes this distinction, and therefore defines over the applied prior art.

Claim 8 has been amended to include the features of claim 17. Claim 8 now sets forth structure corresponding to the method step of previous claim 16. In particular, claim 8 sets forth the structure of a passage from the permeable tubular section to the breathing organs of the user of the safety clothing. The rejection does not specifically indicate where this passage can be found in Rankin '452. Applicant has reviewed Rankin '452, and finds no teaching nor suggestion of such a passage. In particular Rankin '452 teaches away from such a passage by specifically disclosing a mask 122 which is structure that would block any passage from tube 106 to breathing organs of a user. Rankin '452 therefore fails to anticipate all of the structure of amended claim 8. The specific teaching in Rankin '452 of a face mask 122 strongly leads a person away from all the features of claim 8, and therefore Rankin '452 cannot cause claim 8 to be obvious. Claim 8 therefore also defines over the applied prior art.

Claim 1 has been amended to include the features of claim 20. As described above, claim 20 is not independent of claim 1, therefore previous claim 20 and presently amended claim 1 should not be withdrawn under 37 CFR 1.142. Applicant respectfully requests that all the features of amended claim 1 be considered.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted  
For Applicant,

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